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8 Attorneys for Defendant  
9 THE WINE GROUP, INC. HEALTH  
10 BENEFIT PLAN

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 TRACY BURNINGHAM,  
14 Plaintiff,  
15 v.  
16 THE WINE GROUP, INC. HEALTH  
17 BENEFIT PLAN,  
18 Defendant.

19 Case No. 2:22-cv-00659-DJC AC

20 **UNOPPOSED APPLICATION OF  
21 DEFENDANT TO EXTEND TIME TO  
22 FILE OPPOSITION TO PLAINTIFF'S  
TRIAL BRIEF BY SEVEN DAYS AND  
TO EXTEND TIME FOR PLAINTIFF  
TO FILE REPLY BY SAME TIME;  
ORDER**

23 **Civil L.R. 144**

24 Defendant The Wine Group, Inc. Health Benefit Plan ("Defendant") hereby respectfully  
25 requests and applies to this Court pursuant to Civil Local Rule 144 for an Order extending its time  
26 to file its Opposition to Plaintiff's Trial Brief (ECF No. 24) by seven (7) days, and extending  
27 Plaintiff's time to file her Reply to Defendant's Opposition by the same amount of time. Currently,  
28 Defendant's Opposition is due to be filed on Monday, March 3, 2025, and Plaintiff's Reply is to  
be filed on Monday, March 17, 2025. This Request is unopposed.

29 Good cause exists for granting this extension of time due to an administrative error in  
30 calendaring the filing date for Defendant's Opposition brief. *See* Declaration of Sung Cheol Sam  
31 Park ("Park Decl."), ¶ 2. On January 9, 2025, Plaintiff, through counsel, submitted a Request for  
32 Partial Extension of the Briefing Schedule extending Plaintiff's time to file her Trial Brief from  
33 January 13, 2025, to February 10, 2025, and extending Defendant's time to file its Opposition  
34 Brief from February 3, 2025, to March 3, 2025. *See* ECF No. 22. Plaintiff's Request did not seek

1 to extend the date for filing her Reply, which remained March 17, 2025. *Id.* The Court entered  
2 the Order the next day. *See* ECF No. 23. Unfortunately, when Defendant's internal docket was  
3 updated to reflect the new dates, the date calendared for Defendant's Opposition Brief was March  
4 17, 2025, and not March 3, 2025. Park Decl., ¶ 2.

5 The parties have previously sought and obtained two extensions of the briefing schedule  
6 due to difficulty in securing the administrative record from the third-party administrator. *See* ECF  
7 Nos. 15 and 18. Plaintiff also sought and obtained an extension of the time to file her Trial Brief  
8 on the basis of difficulty in securing documentation from the same third-party administrator related  
9 to subsequent admissions. *See* ECF No. 22.

10 The Parties have been working diligently on this matter, but due to a calendaring mistake,  
11 Defendant needs an additional seven days to prepare its Opposition. Neither party will be  
12 prejudiced by the proposed extension, and Plaintiff's counsel does not oppose this Request.  
13 Similarly, it will not require the resetting of any dates on the Court's calendar because oral  
14 argument on Plaintiff's Trial Brief has not been set and will not be set until such time that the  
15 Court determines that oral argument is necessary. *See* ECF No. 23.

16 **IT IS SO STIPULATED.**

17 Dated: February 27, 2025

JACKSON LEWIS P.C.

18 By: /S/ Donald P. Sullivan  
19 Donald P. Sullivan, Esq.  
Attorney for Defendant

21 Dated: February 27, 2025

LAW OFFICE OF ROBERT F. KEEHN

22 By: /S/ Robert F. Keehn  
23 Robert F. Keehn, Esq.  
(as authorized on February 25, 2025)  
24 Attorney for Plaintiff

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## ORDER

Pursuant to the Unopposed Application of Defendant to Extend Time to File Opposition to Plaintiff's Trial Brief by Seven Days and to Extend Time for Plaintiff to File Reply by Same Time, and for good cause shown, the Court grants the Request an Orders as follows:

1. The time for Defendant to file its Opposition to Plaintiff's Trial Brief shall be extended by seven (7) days to Monday, March 10, 2025; and
  2. The time for Plaintiff to file her Reply to Defendant's Opposition shall be extended by seven (7) days to Monday, March 24, 2025.

## IT IS SO ORDERED:

Dated: March 3, 2025

/s/ Daniel J. Calabretta

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THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE